

REMARKS

I. Introduction

This amendment is filed in response to the Office Action dated April 5, 2004 for the above-identified patent application. Claims 1-32 are currently pending in the present application. Claims 1, 4, 5, 12 and 15 have been canceled. Claims 18-32 have been withdrawn. New claim 33 has been added incorporating the recitations of claims 1, 5, 12 and 15. No new matter has been added.

II. The Rejections Under 35 U.S.C. § 102 Should Be Withdrawn

Claims 1, 3, 7 and 8 have been rejected under 35 U.S.C. § 102(b) as unpatentable in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno"). The Examiner alleges that Mizuno teaches a decorative laminated sheet comprising, in the following order: a protective layer; a hard coat layer; a polyethylene terephthalate (PET) layer, an acrylic based adhesive layer; and a thermoplastic polyvinyl chloride (PVC) layer.

Independent claim 33 of the presently claimed invention, however, recites a decorative floor covering comprising: i) a surface treated layer; ii) a polyethylene terephthalate film layer; iii) a polyvinyl chloride resin intermediate layer; iv) a polyvinyl chloride resin substrate layer; v) an adhesive layer; and vi) a light back layer. Thus, the present invention recites, *inter alia*, that the decorative floor covering comprises two different polyvinyl chloride layers. In particular, as recited in independent claim 33 the polyvinyl chloride resin intermediate layer ("intermediate layer") is different from the polyvinyl chloride resin substrate layer ("substrate layer") in both composition and thickness. For example, the intermediate layer may include 3 to 5 weight parts of titanium oxide pigment for making the surface color white. The substrate layer, however, does not recite titanium oxide as a component since sharpness of a printed pattern of this layer is

not required. Moreover, a higher content of calcium carbonate may be used in the substrate layer. Furthermore, the thickness of the resin intermediate layer may be between 0.1-0.2 mm, while that of the substrate layer may be 0.8-1.3 mm.

Therefore, in view of the foregoing, reconsideration and withdrawal of the rejection of claims 1, 3, 7 and 8 as anticipated by U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") is respectfully requested.

III. The Rejections Under 35 U.S.C. § 103 Should Be Withdrawn

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of U.S. Patent No. 4,888,233 to Brew ("Brew"). For at least the reasons stated above, Mizuno fails to teach or suggest all the recitations of independent claim 33. Since claim 2 now depends from claim 33, this dependent claim is also patentable. Therefore, in view of the foregoing, reconsideration and withdrawal of the rejection of claim 2 as obvious in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of U.S. Patent No. 4,888,233 to Brew ("Brew") is respectfully requested.

Claims 4-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of Japanese Patent No. JP 04-101864 to Nippon Decorax ("Decorax"). Claims 4 and 5 have been canceled, thereby rendering the rejection moot as to these claims. In addition, for at least the reasons stated above, Mizuno fails to teach or suggest all the recitations of independent claim 33. Since claim 6 now depends from claim 33, this dependent claim is also patentable. Therefore, in view of the foregoing, reconsideration and withdrawal of the rejection of claims 4-6 as obvious in view of

U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of U.S. Patent No. 4,888,233 to Brew ("Brew") is respectfully requested.

Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of Japanese Patent JP 09-151596 to Mitsubishi Kasei Vinyl. For at least the reasons stated above, Mizuno fails to teach or suggest all the recitations of independent claim 33. Since claim 9 now depends from claim 33, this dependent claim is also patentable. Therefore, in view of the foregoing, reconsideration and withdrawal of the rejection of claim 9 as obvious in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of Japanese Patent JP 09-151596 to Mitsubishi Kasei Vinyl is respectfully requested.

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of Japanese Patent JP 10-339016 to Matsushita. For at least the reasons stated above, Mizuno fails to teach or suggest all the recitations of independent claim 33. Since claim 10 now depends from claim 33, this dependent claim is also patentable. Therefore, in view of the foregoing, reconsideration and withdrawal of the rejection of claim 10 as obvious in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view Japanese Patent JP 10-339016 to Matsushita is respectfully requested.

Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of U.S. Patent No. 4,746,560 to Goden ("Goden"). For at least the reasons stated above, Mizuno fails to teach or suggest all the recitations of independent claim 33. Since claim 11 now depends from claim 33,

this dependent claim is also patentable. Therefore, in view of the foregoing, reconsideration and withdrawal of the rejection of claim 11 as obvious in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of U.S. Patent No. 4,746,560 to Goden ("Goden") is respectfully requested.

Claims 12, 13, 15, 16 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno"). Claims 12 and 15 have been canceled, thereby rendering the rejection moot as to these claims. In addition, for at least the reasons stated above, Mizuno fails to teach or suggest all the recitations of independent claim 33. Since claims 13, 16 and 17 now depend from claim 33, these dependent claims are also patentable. Therefore, in view of the foregoing, reconsideration and withdrawal of the rejection of claims 12, 13, 15, 16 and 17 as obvious in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") is respectfully requested.

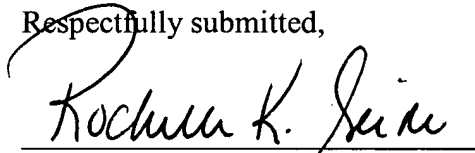
Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of U.S. Patent No. 5,928,778 to Takahashi et al. ("Takahashi et al."). For at least the reasons stated above, Mizuno fails to teach or suggest all the recitations of independent claim 33. Since claim 14 now depends from claim 33, this dependent claim is also patentable. Therefore, in view of the foregoing, reconsideration and withdrawal of the rejection of claim 14 as obvious in view of U.S. Patent No. 5,492,589 to Mizuno ("Mizuno") further in view of U.S. Patent No. 5,928,778 to Takahashi et al. ("Takahashi et al.") is respectfully requested.

IV. Conclusion

It is believed that no additional fee is required in connection with this response. However, the Commissioner is hereby authorized to charge payment of any additional fee or credit any overpayment to Deposit Account No. 02-4377.

In view of the foregoing amendments and remarks, allowance of all the pending claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Rochelle K. Seide", written over a horizontal line.

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